

REPORT - PLANNING COMMISSION MEETING
January 27, 2005

Project Name and Number: Chan Subdivision (PLN2005-00032)

Applicant: Diana Chan

Proposal: To consider Tentative Parcel Map 8455, for a three-lot subdivision

Recommended Action: Approve based on findings and subject to conditions.

Location: 2600 Sunnycrest Court in the Mission San Jose Planning Area

Assessor Parcel Number: 525-472-14 & 15

Area: 1.04 acres (gross); 0.69 acre (net)

Owner: Diane Chan

Agent of Applicant: Kenny Wong

Consultant(s): Kenny Wong, KW Engineering

Environmental Review: Categorically exempt from CEQA per Section 15315; minor land divisions.

Existing General Plan: Low Density Residential (5 to 7 units per acre)

Existing Zoning: R-1-X-6.5, Single-Family Residence District

Existing Land Use: One single-family dwelling unit

Public Hearing Notice: Public hearing notification is applicable. A total of 54 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Olive Avenue; Jackson Street; Washington Boulevard; Sunnycrest Court, and Meredith Drive. The notices to owners and occupants were mailed on January 14, 2005. A Public Hearing Notice was delivered to The Argus on January 10, 2005 to be published by January 13, 2005.

Executive Summary: The applicant requests approval of a Tentative Parcel Map (TPM-8455) for a three-lot residential subdivision located at 2600 Sunnycrest Court. In 1998, the applicant received approval for a Tentative Parcel Map for a two-lot subdivision, however, she believes the property is underutilized. In the previous approval, the existing house remained with one new lot created behind it. The applicant believes the current proposal for three lots better utilizes the property, and brings the residential density closer to the General Plan range of 5 to 7 du/ac. Staff recommends the Planning Commission approve the Tentative Parcel Map to allow the development of three new residential lots.

Background and Previous Actions: On July 9, 1998, the Planning Commission approved a Tentative Parcel Map for a two lot residential subdivision on the subject parcel. The parcels were configured to maintain the existing dwelling at the front of the site with one additional dwelling on a separate lot behind it. Because of adjacent neighbor's concerns regarding potential view obstructions, staff conditioned that the new dwelling at the rear of the property be limited to a single-story unit. The applicant states that many of her neighbors have since relocated, and that she has spoken to her new neighbors about her proposal, including the elimination of the second story restriction. The applicant has indicated to staff that the new neighbors have no issues with the construction of two-story residences on the subject property, nor do they have concerns with the proposal to have three residences rather than two.

The subject site is located within an established neighborhood with mature trees. The subject lot was created with a pre-City subdivision map; however, the house was constructed in 1957, one year after the City incorporated. The dwelling is one of 10 single-family units on the cul-de-sac.

Project Description: The applicant proposes a Tentative Parcel Map (TPM-8455) for a three-lot single-family residential subdivision on a 1.04 acre site. The existing residence will be demolished to accommodate three new single-family residences. The property is configured with two of the lots fronting onto Sunnycrest Court (Lots 1 & 2). The other residential parcel (Lot 3) is a flag lot located at the rear of the property with the access “stem” located between Lots 1 and 2. The proposed lots range from 8,300 to 22,610 s.f. in size. The surrounding lots range from 8,000 to 10,000 s.f. with single-family residences. There is a 60’ wide, sloped public storm drain easement along the northerly property line of Lots 2 and 3 that carries run-off water from residential lots in the neighborhood.

Because the lot’s existing 60’ wide public storm drain easement area is secured by chain link fencing, 31 percent of the property is not accessible for use by the future property owners. Staff believes the property can only support a maximum of three dwellings. All three of the proposed lots meet the requirements of the subdivision ordinance. The dwellings will meet the required setbacks of the R-1-X-6.5 zoning district (R-1-6 setbacks).

Project Analysis:

General Plan/Zoning Conformance: The General Plan land use designation for the project site is Low Density Residential, 5 to 7 dwelling units per acre. The parcel’s zoning designation is R-1-X-6.5. The R-1-X-6.6 zoning district is similar to the R-1-6 district because it requires the same building setbacks; however, the R-1-6.5 zoning district requires a minimum 6,500 square foot lot size. Because of the lot’s configuration, easements and topography, the applicant proposes a development density at the lower end (five du/ac) of the General Plan range.

Lot Size and Setback Standards: The proposed lots sizes are as follows:

Lot 1: 8,300 square feet

Lot 2: 6,700 square feet (net); 14,300 square feet (gross)

Lot 3: 15,130 square feet (net); 22,610 sf. (gross)

The gross square footage includes the public storm drain easement area. Staff believes the property can support a maximum of three lots as a result of the public storm drain easement, which encumbers approximately 15,080 square feet of land area. All three of the proposed lots meet the requirements of the subdivision ordinance. Although the applicant has not submitted construction plans for the dwellings at this time, future single-family dwellings must meet the setbacks of the R-1-6 zoning district, which is the district that most closely matches the R-1-X-6.5 district. The following table outlines the required setbacks for the R-1-X-6.5 zoning district:

	R-1-X-6.5
Lot size	6,500 sq. ft.
Front Yard	20 ft.
Interior Side Yard:	
One Story	5 ft. (12 ft. total)
Two Story	6 ft. (15 ft. total)
Rear Yard	25 ft.

Land Use Compatibility: Staff concluded in the review of this application that the implementation of the proposed Tentative Parcel Map will have a beneficial effect from the better utilization of this site, which is consistent with the City’s General Plan policy of maximizing in-fill sites to provide additional housing. The design of the three new residences will be reviewed through the City’s Development Organization section to ensure quality design, consistent with the General Plan Land Use Policy, Goal H2. There is no proposal to restrict the homes to single-story base on the applicant’s representation that the neighbors would not oppose two-story residences.

The proposed Tentative Parcel Map will be developed in conformance with the existing General Plan, and all conditions of approval by the Planning Commission. The project, will be consistent with the existing nearby land uses, and is not anticipated to create an adverse impact on either the surrounding residential area, nor be incompatible with any of the adjacent uses.

Because the subdivision was created by a Pre-City Tract Map, the right-of way behind the curb is only nine feet, where ten feet is the City minimum. The applicant will be required to dedicate one additional foot of right-of-way as a condition of approval. This condition also helped to provide a space for two 24" box City trees along the street frontage.

City Landscape Architect Review of Proposed Tree Removal and Preservation:

The site contains 23 mature trees as shown on the Exhibit "Tree Survey" for 2600 Sunnycrest Court, Tentative Parcel Map 8455. There are a total of 17 trees on site that are worthy of preservation. A tree survey was conducted by Gary Gillian, a certified arborist on January 10, 2005. Based on the information contained in the report, staff will require the following trees be preserved under the provisions of the Tree Preservation Ordinance: 1-6, 9-17, 20-23.

To further enhance the landscaping on the site, staff asked the applicant to landscape the side yards of Lots 1 and 2, in the area located adjacent to the driveway access to Lot 3. The applicant agreed to keep the rear yard fencing of Lots 1 and 2 to the area directly behind the residences, thereby maintaining an open, unobstructed space between Lots 1 and 2. Staff has also included a condition that there be a minimum of 3' of landscaping behind the rear yard fences for Lots 1 and 2. This landscaping will be located on Lot 3, and will serve as a visual buffer between the driveway serving Lot 3, and the rear yard fencing for Lots 1 and 2. These two issues are addresses as conditions of approval (no. 21 and 22).

Staff has also required there be six new 24" box trees planted on the site. Two of these trees will be located adjacent to the sidewalk, and the other four will be located along the driveway access to Lot 3.

Grading & Drainage: This is an in-fill project. Grading of the site will conform to the surrounding development. Runoff of surface drainage will be to the public-street and existing public storm drainage system in Sunnycrest Court.

Urban Runoff Clean Water Program: The applicant will be required to conform to the City's Urban Runoff Clean Water Program requirements. Conditions of approval are included to reflect this requirement.

Development Impact Fees: Two of the three new dwellings units within the project will be subject to Citywide Development Impact Fees. A development impact fee credit will be given for the existing dwelling. Development impact fees include fees for fire protection, capital facilities and traffic impact. Residential projects are also be subject to park facilities and park dedication in-lieu fees. These fees shall be calculated at the fee rates in effect at the time of building permit issuance.

Response from Agencies and Organizations: No comments have been received.

Neighborhood Comments/concerns: No neighborhood comments or concerns were expressed to staff at the time of submission of this report.

Environmental Analysis: This project is categorically exempt from CEQA per Section 15315; minor land divisions.

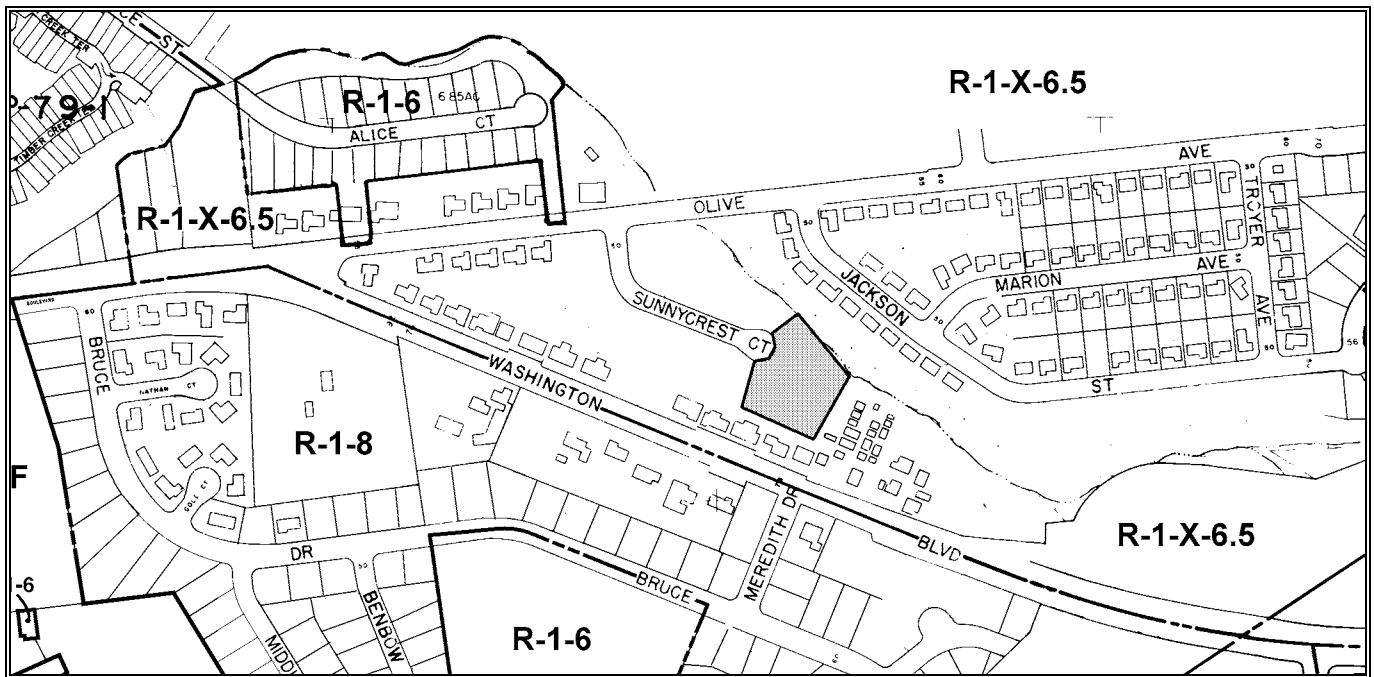
Enclosures: Exhibit "A" (Tentative Parcel Map 8455)
Exhibit "B" (Tree Survey and Arborist Report)
Exhibit "C" (Findings and Conditions of approval for PLN2005-00032)

Exhibits: "Tentative Parcel Map 8455"
Exhibit "B" (Tree Survey and Arborist Report)
Exhibit "C" Findings and Conditions of approval for TR-8455"

Recommended Actions:

1. Hold public hearing.
2. Find the proposed subdivision is exempt from further California Environment al Quality Act (CEQA) review pursuant to guidelines Section 15315 (minor land divisions).
3. Find PLN2005-00032 (Tentative Parcel Map 8455) is in conformance with the relevant provisions contained in the City's existing General Plan.
4. Find PLN2005-00032 (Tentative Parcel Map 8455), as shown on Exhibit "A" fulfills the applicable requirements set forth in the Fremont Municipal Code.
5. Approve PLN2005-00032 (Tentative Parcel Map 8455), in conformance with Exhibit "A", based upon the findings and subject to the conditions of approval set forth in Exhibit "B".

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

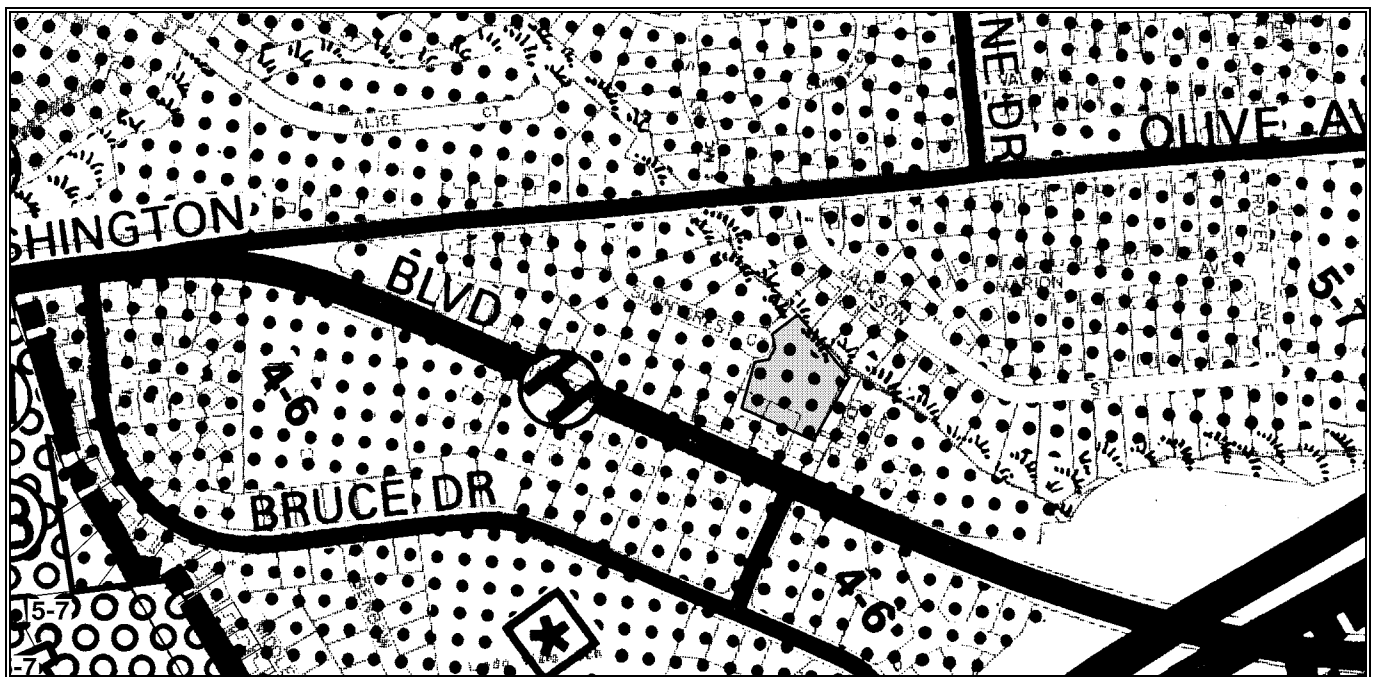


EXHIBIT "C"
CHAN TENTATIVE PARCEL MAP 8455 (TPM-8455)

FINDINGS:

The findings below are made on the basis of information presented at the public hearing and contained in the staff report to the Planning Commission dated January 27, 2005, incorporated hereby.

1. The proposed map satisfies the requirements and conditions imposed by the Subdivision Map Act and the City of Fremont Subdivision Ordinance because the procedural requirements of the Map Act are being followed and the proposed lots conform to the standards set forth in the Subdivision Ordinance.
2. The proposed subdivision, together with the provisions of its design and improvement, is consistent with the General Plan since the proposed lot configuration is in conformance with the low density residential requirements of the General Plan.
3. The site is physically suitable for the type and proposed density of the development since the proposed lot configuration is in conformance with the low-density residential (R-1-X-6.5) requirements of the Zoning Ordinance.
4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because of the design and location of the development as an in-fill project where residential development has already occurred and the surrounding areas are also developed.
5. The design of the subdivision and the type of improvements are not likely to cause serious public health problems since the review process of the subdivision has taken those concerns into consideration and has found the proposal in conformance with the City of Fremont's policies.
6. The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. Acquisition of any new easements is required prior to final parcel map approval.

CONDITIONS:

1. Conformance with staff amended Exhibit "A", attached hereto and made a part hereof.
2. This Tentative Parcel Map (TPM) is being conditionally approved based on the accuracy of the information shown on Exhibit "A" and submitted with the TPM application. If any of the information is shown to be inaccurate subsequent to approval of the TPM by the City, such inaccuracy may be cause for invalidating this approval.
3. Only one final Parcel Map is allowed to accomplish the subdivision proposed by this vesting tentative parcel map. No "Phasing" of final parcel maps is allowed.
4. Thirty days prior to commencement of any site grading, diskings, testing or clean-up required within the boundary of Tentative Parcel Map 8585, a site investigation shall be completed by a qualified wildlife biologist to determine the presence of burrowing owls. If burrowing owls are present, all work shall cease until the wildlife biologist has recommended appropriate actions to be taken to protect the owls. The applicant shall be responsible for the implementation of the protective actions, including relocation, prior to the commencement of any site work. The site investigation shall be subject to the approval of the Planning Director.
5. Site grading and drainage is subject to the approval of the Development Organization Engineer at the time of building permit issuance. Site grading must not obstruct natural flow from abutting properties or divert drainage from its natural watershed. The drainage area map developed for the drainage design for this project shall be

based on the original drainage area map developed for the existing storm drain system and shall clearly indicate all areas tributary to the project site.

6. Pursuant to FMC Section 8-1523, the record owner(s) are to dedicate the required street right-of-way and public easements as shown on the Exhibit "A". Any additional easements required by the various public utilities and public agencies shall be dedicated prior to final parcel map approval.
7. Pursuant to FMC Section 8-3107(f), any improvements in the public right-of-way necessitated by the proposed use of the subdivided property can be deferred until building permit issuance. The necessary agreements, guarantees and plans for the construction of the improvements shall be subject to the approval of the Development Organization Engineer. A note referencing this future improvement obligation is to be placed prominently on the face of the final parcel map.
8. Utility service connections, including electrical and communications, shall be installed underground. All existing overhead utility lines within the site and across the site's frontages, shall be undergrounded by the developer in conformance with the City's Underground Ordinance.
9. Review of the tentative map by the Fire Department relative to local and State Fire Code is based on the material submitted. Therefore, if the map is revised prior to final submittal, the Fire Marshal should be contacted so that any changes may be properly reviewed and evaluated. The on-site and/or off-site fire hydrants were required, as per tentative parcel map annotations, in accordance with Fremont Fire Code Article No. 13.
10. The subdivider shall install a new public fire hydrant in the right of way between Parcels 1 and 3.
11. The access driveway to Parcel 3 shall be a fire lane. It shall have red curb, signs and lettering per Fremont Fire Department Standard # 9 and California Vehicle Code.
12. The subdivider is required to provide a cash payment to the City of Fremont for microfilming the recorded parcel map. The subdivider is also required by ordinance to provide the City with a mylar copy of the recorded parcel map subsequent to its recordation.
13. Provide a letter from Alameda County Water District giving the location and sealing specifications for all water wells within the subdivision boundary. If there are no wells, a letter so stating must be provided.
14. Any existing sewer lateral and water service must lie entirely within a parcel being created. Any existing utility service to the existing house at 2600 Sunnycrest Court must be relocated on the new Parcels being created.
15. The existing home at 2600 Sunnycrest Court must be demolished prior to approval of the final parcel map.
16. The driveway access to Lot 3 shall be a fire lane and operational area with no parking. The area in front of the future residence shall remain clear with signage that states "no parking".
17. Any development on this site will be subject to Citywide Development Impact Fees. These fees include fees for fire protection, capital facilities, parkland dedication in lieu, park facilities, and traffic impact. The fees shall be calculated at the rate in effect at the time of building permit issuance. The fees will be collected prior to building permit approval, with one credit for one dwelling.
18. In accordance with Section 66474.9(b) of the Subdivision Map Act, the subdivider shall indemnify and hold harmless the City of Fremont or it's agents, officers, or employees from any claim, action, or proceeding against the City of Fremont or it's agents, officers, or employees to attack, set aside, void, or annul an approval of the City of Fremont, advisory agency appeal board, or legislative body concerning a subdivision, which action is brought within the time period provided for in Section 66499.37. The City of Fremont shall promptly notify the subdivider of any claim, action, or proceeding to attack, set aside, void or annul it's approval and shall cooperate fully in the defense.

SUBDIVIDER PLEASE NOTE:

The fees, dedications, reservations and/or other exactions imposed on this project are those listed in the foregoing conditions of tentative parcel map approval. Any fee, dedication, reservation or other exaction is deemed imposed on the date of this tentative parcel map approval. The subdivider is hereby notified that the 90-day period in which the subdivider may protest these fees, dedications, reservations and other exactions pursuant to Government Code Section 66020(a) begins on the date they are imposed. If the subdivider fails to file a protest within this 90-day period complying with all the requirements of Government Code Section 66020, the subdivider will be legally barred from later challenging such actions.

LANDSCAPING CONDITIONS:

19. There are a total of 17 trees on site that all have potential for preservation. The following trees identified on Exhibit "Tree Survey" for 2600 Sunnycrest Court, shall be preserved as part of Tentative Parcel Map 7272 at this time, 1-6, 9-17, 20-23. The City Landscape Architect may review this designation when demolition or grading plans or any other plans showing proposed development are submitted to the City. All future plans submitted to the city must comply with the standards for tree preservation as per pages 4-8 of the Landscape Development Requirements and Policies (LDRP).
20. Applicant shall provide (1) 24" Box Size Large Canopy Street Tree, species subject to staff approval during Development Organization review planted between driveways on Sunnycrest Court. The street tree shall conform to the City Standard Tree Planting Detail, SD-34.
21. Removal of existing trees over four inches in diameter, excluding nut bearing and fruit-bearing trees, except for olive trees, shall be subject to the approval of the Senior Landscape Architect for the City. The precise location of such existing trees shall be shown on the site plan and/or landscape plan at the time of building permit application.
22. The applicant shall landscape the area between Lot 1 and 2, adjacent to the driveway that accesses Lot 3. The landscaping strip shall also be continued to the rear of the lots as indicated on Exhibit "A".
23. Fences designed to enclose the rear yards of Lots 1 and 2 shall be located behind the residences. No fences shall be built between Lots 1 and 2. A deed restriction shall be recorded to maintain an unobstructed area between Lots 1 and 2. The rear yard fencing on Lots One and Two shall consist of a design that includes a one – foot lattice section at the top of a minimum five-foot solid board fence. A building permit shall be required for all fences greater than six-feet in height.

FIRE CONDITIONS:

24. Conditions no. 24 to 33 apply to all future residences developed on the subject site. The residences shall meet all the requirements in the 2001 California fire code and all local amendments to that code in Ordinance #2485.
25. The applicant shall install an automatic fire sprinkler system in all future buildings for fire protection purposes. An audible device(s) shall be located on all floors/levels of the dwelling and be heard in all sleeping rooms.
26. Plan, specifications, equipment lists and calculations for the required sprinkler system must be submitted to the Fremont Fire Department Authority and Building Department for review and approval prior to installation. A separate plan review fee is required. Standard Required: N.F.P.A.13D with local amendments. Lot 3 shall be required to meet at least NFPA 13 R with Fremont R-1 requirements from ordinance #2485. See #3
27. Automatic fire suppression systems in all group R-1 occupancies shall have Residential or quick response standard sprinkler heads in dwelling or guest portions of the building. The sprinkler system shall provide protection to at least all of the following areas garages, carports, bathrooms, concealed spaces, water heater

closets, laundry rooms, clothes closet, attic spaces, under walks, or overhangs, balconies or deck greater than four feet in depth, and floor landings if wholly or partial enclosed, or other areas as required.

28. The applicant shall comply with Fremont code requirements for installation of fire retardant roof coverings.
29. Address must always be visible from Public Street. Flag lots must have monument sign and green bott dot. ***Lot 3 requires a green bott dot at the street and an address monument sign.***
30. A driveway access serving one dwelling/structure shall have a minimum 20 foot unobstructed width driveway/access road. The access road must provide all portions of the first floor with the required 150 feet access to the rear of the building. Driveway /access roads and shall meet Fire Department standards for distance, weight loads, turn radius, grades, and vertical clearance. Approved turnarounds shall be required for distances over 150 feet from public streets. Other mitigation's shall/may be required in addition to those listed. (CFC Sec. 902.2 as amended)
31. Upgrade public fire hydrant located at 2661 Sunny Crest Ct to a Clow model 850 or equivalent model. Contact the Alameda County Water District at 510-668-4400 to submit work order.
32. The applicant must immediately notify the Fremont Fire Department, Hazardous Materials Unit, of any underground pipes, tanks or structures; any suspected or actual contaminated soils; or other environmental anomalies encountered during site development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development.
33. The applicant may need to submit a Phase 1 and/or Phase 2 environmental site assessment(s). Additional requirements, remediation and/or clearances from Alameda County Health Department, Alameda County Water District, Regional Water Control Board, Department of Toxic Substances Control, or other agencies may be established subsequent to staff's review.